IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 666 OF 2003.

The State of Maharashtra. ... Appellant.

Versus.

Shri Jethmal Shankarlal Unecha. ... Respondent.

Ms.S.V.Gajare, A.P.P.for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2006.

P.C.:

1. Heard the learned A.P.P. in support of grant of leave to appeal. The Respondent is acquitted of an offence under section 7(iv) of the Prevention of Food Adulteration Act, 1954 read with the Notification dated 17th February 2000, which is punishable under section 16 of the said Act of 1954. The Notification prohibits sale of Gutka containing tobacco within the periphery of 100 meters of Government institutions, schools etc.

2. Apart from the contradictions in the evidence, the learned trial Judge accepted the defence that the 39 pouches of gutka were kept by the Respondent in the wooden drawer which was closed. The learned trial Judge held that the essential ingredients of the offence were not established by the prosecution. I find that no case is made out for grant of leave. The Appeal is dismissed.

Judge.